

MEMORANDUM TO CLERK
FOR INSTITUTING CIVIL ACTION

FILED

2018 FEB 28 P 1:51

CARLY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

To the Clerk of the Circuit
Court of Kanawha County, West Virginia

Civil Action No. 18-C-197

MOUNTAIN STATE COMPANY,

Plaintiff,

VS.

Days to Answer Type of Service

SOUTHERN COAL CORPORATION
302 SOUTH JEFFERSON STREET
ROANOKE, VIRGINIA 24011,

30

SOS

Defendant.

Please issue summons in the above styled action as
indicated. Original and _____ copies of complaint furnished
herewith.

CLINTON W. SMITH, ESQUIRE
MEZZANINE SUITE 4
405 CAPITOL STREET
CHARLESTON WV 25301

PLAINTIFF: MOUNTAIN STATE COMPANY

CASE NUMBER: _____

DEFENDANTS: SOUTHERN COAL CORPORATION

II. TYPE OF CASE:

TORTS	OTHER	CIVIL
Asbestos	Adoption	Appeal from Circuit Court
Professional	Contract	Petition for Modification of
Malpractice		Circuit Sentence
Personal Injury	Real Property	Miscellaneous Civil
Product Liability	Mental Health	X Other
Other Tort	Appeal of Administrative Agency	

III. JURY DEMAND: Yes

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 2 / 19

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRES
SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? No

Attorney Name: Clinton W. Smith
Firm: Law Office of Clinton W. Smith
Address: Mezzanine Suite 4, 405 Capitol Street
Charleston, West Virginia 25301
Telephone: 304-343-4498

Representing: Plaintiff

Dated: 2/28/18

Clinton W. Smith

Signature

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
MOUNTAIN STATE COMPANY,

Plaintiff,

v.

SOUTHERN COAL CORPORATION,

Defendant.

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CATHY S. PATSON, CLERK
KANAWHA COUNTY CLERK'S OFFICE
Civil Action No. 18 CA 1

COMPLAINT

Comes now the Plaintiff, Mountain State Company, by counsel, Clinton W. Smith, and for its complaint states as follows:

I.

The Plaintiff, Mountain State Company, is a business with its principal address being at 2318 East Dupont Avenue, Belle, West Virginia 25015.

II.

The Defendant, Southern Coal Corporation, is a business with its principal address being at 302 South Jefferson Street, Roanoke, Virginia 24011.

III.

The Plaintiff, Mountain State Company, provided goods, funds or services to the Defendant, Southern Coal Corporation, in the amount of \$178,535.83.

IV.

To date the Defendant, Southern Coal Corporation, has not repaid the goods, funds or services provided, despite agreeing to do so.

WHEREFORE, the Plaintiff prays that the Plaintiff be awarded a judgment against the Defendant, in the amount of \$178,535.83, pre-judgment and post-judgment interest, late charges, attorney's fees, collection fees, costs incurred in the prosecution of this case and for such other relief as this Court deems just.

The Plaintiff demands a trial by jury.

MOUNTAIN STATE COMPANY,
By Counsel



CLINTON W. SMITH, ESQUIRE

WV Bar #3458
Mezzanine Suite 4
405 Capitol Street
Charleston, WV 25301
304-343-4498
COUNSEL FOR THE PLAINTIFF